

WEDNESDAY, APRIL 26, 1995

THIRTY-EIGHTH LEGISLATIVE DAY

The House met at 3:30 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative McAfee.

Representative McAfee led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Venable; business reasons.

Representative Turner (Hamilton); illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 129: Rep(s). Fitzhugh, Boyer, Bird, McDonald, Stamps, Halteman Harwell and Cantrell as prime sponsor(s).

House Bill No. 343: Rep(s). McDaniel, Brown, Armstrong and Tindell as prime sponsor(s).

House Bill No. 681: Rep(s). Whitson as prime sponsor(s).

House Bill No. 762: Rep(s). Hargrove, Stulce, Odom, Ridgeway, Cross, McAfee, Kisber and Givens as prime sponsor(s).

House Bill No. 1190: Rep(s). Davis, McDaniel, Huskey, Whitson, Gunnels, Bittle, Ramsey, Rigsby and Davidson as prime sponsor(s).

House Bill No. 1528: Rep(s). Patton, Bittle and Callicott as prime sponsor(s).

MESSAGE FROM THE GOVERNOR

April 25, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 213, 214, 215, 226 and 229, with his approval.

HARDY MAYS, Counsel to the Governor.

ENROLLED BILLS

April 25, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 1643.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 25, 1995

The Speaker signed the following: House Bill(s) No(s). 1643.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 25, 1995

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 173, 967, 1509, 1864, 1865 and 1878; also, House Joint Resolution(s) No(s). 114, 222 and 225.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 25, 1995

The Speaker signed the following: House Bill(s) No(s). 173, 967, 1509, 1864, 1865 and 1878; House Joint Resolution(s) No(s). 114, 222 and 225.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 25, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 585, 631, 656, 914, 927, 1078, 1215, 1359, 1380, 1403, 1491, 1527, 1538, 1649, 1731, 1787, 1788, 1811, 1874, 1877, 1881, 1882, 1885 and 1886; also, House Joint Resolution(s) No(s). 132, 173, 185, 206, 249 and 250.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK
April 25, 1995

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 38, 684, 693, 938, 1340 and 1355.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 25, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 170, 171, 172, 173, 174 and 175; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 170 -- Memorials, Academic Achievement -- John Houston Hancock, Lebanon High School 1995 valedictorian. by *Rochelle.

Senate Joint Resolution No. 171 -- Memorials, Academic Achievement -- Andrew "Shane" Woodall, 1995 Lebanon High School salutatorian. by *Rochelle.

Senate Joint Resolution No. 172 -- Memorials, Recognition and Thanks -- Jane Myron, past president of Johnson City Jonesborough Washington County Chamber of Commerce. by *Crowe.

Senate Joint Resolution No. 173 -- Memorials, Sports -- 1994-1995 University of Memphis women's basketball team. by *Cohen, *Wilder.

Senate Joint Resolution No. 174 -- Naming and Designating -- "Universal Fasteners, Inc. Day," April 28, 1995. by *Springer.

Senate Joint Resolution No. 175 -- Memorials, Sports -- 1994-1995 Tennessee State University women's basketball team. by *Harper.

MESSAGE FROM THE SENATE
April 25, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 164, 797, 973, 1414, 1557 and 1567; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 164** -- Pensions and Retirement Benefits -- Allows retired teachers to have premiums for state group insurance automatically deducted from retirement pay. Amends TCA Title 8, Chapter 27, Part 3. by *Cohen, *Rochelle, *Hamilton, *Jordan, *Holcomb, *Crowe, *Atchley, *Burks, *Carter, *Cooper, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Harper, *Haun, *Haynes, *Henry, *Koella, *Kyle, *Leatherwood, *Miller J, *O'Brien, *Person, *Rice, *Springer, *Wallace, *Wilder, *Womack, *Wright.

***Senate Bill No. 797** -- Civil Procedure -- Allows jury selection from another county upon motion for change of venue. Amends TCA Title 20, Chapter 4, Part 2. by *Fowler.

***Senate Bill No. 973** -- Driver Licenses -- Raises minimum age required for obtaining driver license learner permit. Amends TCA Title 55, Chapter 50. by *Holcomb, *Cohen, *Person.

***Senate Bill No. 1414** -- General Assembly -- Requires chairs of joint select committees to serve two year terms to coincide with elective term of general assembly; requires chairmanship to rotate from house to senate every two years unless chair is reelected by majority of members of board; reduces membership of fiscal review committee from 15 to 13, eliminating two house seats. Amends TCA Title 3, Chapters 7, 9, 10, 15. by *Cooper, *Gilbert.

Senate Bill No. 1557 -- Taxes, Sales -- Expands scope of special sales tax allocation for Memphis sports authority to be operable if Canadian Football League (CFL) franchise is started. Amends TCA Title 67, Chapter 6. by *Person, *Ford J, *Cohen, *Person, *Leatherwood, *Dixon, *Kyle.

Senate Bill No. 1567 -- Smoking -- Clarifies Prevention of Youth Access to Tobacco Act of 1994, to prohibit minors from also purchasing cigarette papers; although sign that must be posted includes prohibition of sale of smoking paraphernalia as well as tobacco products to minors, presently this act does not prohibit sale of anything other than tobacco products. Amends TCA Title 39, Chapter 17, Part 15. by *Rice, *Carter, *Leatherwood, *Rice, *Fowler.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 114, 222 and 225; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 173, 967, 1509, 1643, 1864, 1865 and 1878; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 11, 12, 164, 165, 166, 167, 168 and 169; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 9, 51, 93, 184, 240, 490, 494, 500, 554, 600, 759, 760, 871, 968, 1093, 1250, 1304, 1344, 1499 and 1525; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

April 26, 1995

The Speaker signed the following: Senate Bill(s) No(s). 215, 295, 371, 922, 964, 1020 and 1321.

ENROLLED BILLS

April 26, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 359, 971 and 1264; House Joint Resolution(s) No(s). 78, 143, 227 and 228; also, House Resolution(s) No(s). 62, 63 and 64.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 26, 1995

The Speaker signed the following: House Bill(s) No(s). 359, 971 and 1264; House Joint Resolution(s) No(s). 78, 143, 227 and 228; also, House Resolution(s) No(s). 62, 63 and 64.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 26, 1995

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 173, 967, 1509, 1643, 1864, 1865 and 1878; also, House Joint Resolution(s) No(s). 114, 222 and 225.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 26, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 183, 194 and 195; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 183 -- Naming and Designating -- "National Teachers' Day," May 9, 1995. by *Womack, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Wright.

Senate Joint Resolution No. 194 -- Memorials, Professional Achievement -- Dr. Harold Vann, Tennessee Medical Association Distinguished Service Award. by *Rice.

Senate Joint Resolution No. 195 -- General Assembly, Confirmation of Appointment -- William Robert Baker, Tennessee Claims Commission. by *Rice.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 68** -- General Assembly, Studies -- Creates study committee to examine issues relating to reinstatement of driver licenses. by *Robinson.

Transportation Committee

***House Resolution No. 69** -- General Assembly, Studies -- Creates joint committee to study granting of immunity to school volunteers. by *Boyer, *Newton, *Bird, *Westmoreland, *Windle, *Peach, *Williams (Williamson), *Stamps, *McMillan.

Judiciary Committee

House Joint Resolution No. 251 -- General Assembly, Studies -- Creates study committee to examine issues, particularly financial hardships on the customers of utilities, raised by relocation of utility lines due to highway projects. by ahead.

State and Local Government Committee

***House Joint Resolution No. 252** -- Highway Signs -- "John A. Jones Bridge" on I840 spanning Stones Rivers in Rutherford County. by *Eckles, *Bragg.

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 27, 1995:

House Resolution No. 70 -- Memorials, Interns -- Tonya D. Fields. by *Arriola.

House Resolution No. 71 -- Memorials, Sports -- 1994-1995 Clarkrange High School girls' basketball team, TSSAA Class A state champions. by *Windle.

House Joint Resolution No. 255 -- Memorials, Recognition and Thanks -- Downtown Franklin Association. by *Williams (Williamson).

House Joint Resolution No. 256 -- Memorials, Public Service -- Manny Martins, TennCare director. by *Stamps.

House Joint Resolution No. 257 -- Memorials, Public Service -- Miles Allen Ehmling, Sumner County Election Commission. by *Stamps.

House Joint Resolution No. 258 -- Memorials, Heroism -- James C. McKnight, decorated World War II veteran. by *Bragg, *Eckles.

House Joint Resolution No. 259 -- Memorials, Professional Achievement -- Donna Hooper, Metro Nashville Teacher of the Year. by *West, *Halteman Harwell, *Arriola, *Pruitt, *Odom, *Jones, S., *Garrett, *Purcell, *Langster, *Robinson.

House Joint Resolution No. 260 -- Memorials, Interns -- Emily Ruth Thomas. by *West.

House Joint Resolution No. 261 -- Memorials, Professional Achievement -- Carolyn Spooner Holt, 1995 Outstanding Dietitian of the Year. by *Ford S.

House Joint Resolution No. 262 -- Memorials, Public Service -- Oscar Scott, winner, WRCE-TV Jefferson Award. by *Stulce.

House Joint Resolution No. 263 -- Memorials, Academic Achievement -- Holy Rosary Academy, SACS accreditation. by *West.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 27, 1995:

Senate Joint Resolution No. 170 -- Memorials, Academic Achievement -- John Houston Hancock, Lebanon High School 1995 valedictorian. by *Rochelle.

Senate Joint Resolution No. 171 -- Memorials, Academic Achievement -- Andrew "Shane" Woodall, 1995 Lebanon High School salutatorian. by *Rochelle.

Senate Joint Resolution No. 172 -- Memorials, Recognition and Thanks -- Jane Myron, past president of Johnson City Jonesborough Washington County Chamber of Commerce. by *Crowe.

Senate Joint Resolution No. 173 -- Memorials, Sports -- 1994-1995 University of Memphis women's basketball team. by *Cohen, *Wilder.

Senate Joint Resolution No. 175 -- Memorials, Sports -- 1994-1995 Tennessee State University women's basketball team. by *Harper.

Senate Joint Resolution No. 194 -- Memorials, Professional Achievement -- Dr. Harold Vann, Tennessee Medical Association Distinguished Service Award. by *Rice.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 174 -- Naming and Designating -- "Universal Fasteners, Inc. Day," April 28, 1995. by *Springer.

Calendar and Rules Committee

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

***Senate Bill No. 164** -- Pensions and Retirement Benefits -- Allows retired teachers to have premiums for state group insurance automatically deducted from retirement pay. Amends TCA Title 8, Chapter 27, Part 3. by *Cohen, *Rochelle, *Hamilton, *Jordan, *Holcomb, *Crowe, *Atchley, *Burks, *Carter, *Cooper, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Harper, *Haun, *Haynes, *Henry, *Koella, *Kyle, *Leatherwood, *Miller J, *O'Brien, *Person, *Rice, *Springer, *Wallace, *Wilder, *Womack, *Wright.

***Senate Bill No. 797** -- Civil Procedure -- Allows jury selection from another county upon motion for change of venue. Amends TCA Title 20, Chapter 4, Part 2. by *Fowler.

***Senate Bill No. 973** -- Driver Licenses -- Raises minimum age required for obtaining driver license learner permit. Amends TCA Title 55, Chapter 50. by *Holcomb, *Cohen, *Person.

***Senate Bill No. 1414** -- General Assembly -- Requires chairs of joint select committees to serve two year terms to coincide with elective term of general assembly; requires chairmanship to rotate from house to senate every two years unless chair is reelected by majority of members of board; reduces membership of fiscal review committee from 15 to 13, eliminating two house seats. Amends TCA Title 3, Chapters 7, 9, 10, 15. by *Cooper, *Gilbert.

Senate Bill No. 1557 -- Taxes, Sales -- Expands scope of special sales tax allocation for Memphis sports authority to be operable if Canadian Football League (CFL) franchise is started. Amends TCA Title 67, Chapter 6. by *Person, *Ford J, *Cohen, *Person, *Leatherwood, *Dixon, *Kyle.

Senate Bill No. 1567 -- Smoking -- Clarifies Prevention of Youth Access to Tobacco Act of 1994, to prohibit minors from also purchasing cigarette papers; although sign that must be posted includes prohibition of sale of smoking paraphernalia as well as tobacco products to minors, presently this act does not prohibit sale of anything other than tobacco products. Amends TCA Title 39, Chapter 17, Part 15. by *Rice, *Carter, *Leatherwood, *Rice, *Fowler.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 1837** -- Utilities, Utility Districts -- House State & Local Government Committee

WEDNESDAY, APRIL 26, 1995 -- THIRTY-EIGHTH LEGISLATIVE DAY

House Bill No. 1890 -- Rhea County -- Local Bill Held on House Desk

House Bill No. 1891 -- Gibson County -- Local Bill Held on House Desk

House Bill No. 1892 -- Maury County -- Local Bill Held on House Desk

House Bill No. 1893 -- Maury County -- Local Bill Held on House Desk

House Bill No. 1894 -- Hamilton County -- Local Bill Held on House Desk

*House Bill No. 1895 -- Taxes -- House Finance, Ways & Means Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 25, 1995** reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 26, 1995**: House Bill(s) No(s). 513, 681, 1303, 1294, 343, 1510, 1615, 762, 1728, 1316 and 1001.

The Committee set the following bills on the **Regular Calendar** for **April 27, 1995**: House Bill(s) No(s). 1160, 117, 1391, 1259, 1789, 554, 1338, 212, 828, 1474, 1637, 735, 891, 555 and 554; also Senate Joint Resolution(s) No(s). 58; and House Joint Resolution(s) No(s). 50.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **May 15, 1995**: House Bill(s) No(s). 1558, 1150, 1153, 1441, 1813 and 1793.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 27, 1995**: House Bill(s) No(s). 1867, 1716, 1384, 1461, 1462, 34, 1427, 634, 960, 556 and 1541; also House Resolution(s) No(s). 30, 31 and 32; and House Joint Resolution(s) No(s). 217, 219, 149, 180, 202 and 98.

AGRICULTURE

The Agriculture Committee recommended for passage: House Bill(s) No(s). 624 and 1503 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 752; also House Bill(s) No(s). 1271 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Joint Resolution(s) No(s). 237; also House Bill(s)

No(s). 1623 and 1690 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1802 and 1803 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1795, 1791 and 1796; also House Bill(s) No(s). 968 and 35 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 204 and 1227 and Senate Joint Resolution(s) No(s). 154; also House Bill(s) No(s). 668, 546, 1437, 1478, 1258 and 1705 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 832, 306, 1783 and 1729 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 24, 1814 and 1765; also House Bill(s) No(s). 134, 26, 23, 1115, 125 and 1775 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1301 and 1665; also House Bill(s) No(s). 923, 1300 and 1302 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1593 and House Joint Resolution(s) No(s). 234, 220 and 198; also House Bill(s) No(s). 1815 and 903 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 26, 1995** reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for May 15, 1995**: House Bill(s) No(s). 1348, 557, 1383, 1079, 830, 1490, 439 and 1423.

The Committee set the following bills on the **Regular Calendar** for **May 17, 1995**: House Resolution No. 12.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 27, 1995**: Senate Joint Resolution(s) No(s). 93, 100, 154 and 156; also House Joint Resolution(s) No(s). 108, 44 and 198; and House Bill(s) No(s). 1238, 220, 1095, 417, 461 and 416.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 15, 1995**: House Bill(s) No(s). 1784.

Pursuant to **Rule No. 49**, the Calendar and Rules Committee suspended the rules to allow more than 25 bills on the Calendar for the remainder of the First Session of the 99th General Assembly.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 526, 1492 and 1772 and House Joint Resolution(s) No(s). 223; also House Bill(s) No(s). 61, 626, 1416, 520 and 1773 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1778 and 1774; also House Bill(s) No(s). 406 and 1810 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Resolution No. 65 -- Memorials, Interns -- Meribah B. A. Roulhac. by *Pruitt.

House Resolution No. 66 -- Memorials, Recognition and Thanks -- Judge Janice Brice-Wellington. by *Brown.

House Resolution No. 67 -- Memorials, Public Service -- Lynne Farrar. by *Phillips.

House Joint Resolution No. 253 -- Memorials, Death -- York Stewart. by *Huskey.

House Joint Resolution No. 254 -- Memorials, Sports -- Richard Mulrooney, star soccer player. by *Joyce

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1305 -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates for graduates of Arkansas State University. Amends TCA Title 55, Chapter 4. by *Hassell (*SB1561 by *Kyle).

Further consideration of House Bill No. 1305, previously considered on March 15, 1995, March 22, 1995, April 12, 1995, and reset for today's Calendar.

Rep. Hassell moved that **House Bill No. 1305** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 83 -- Motor Vehicles, Titling and Registration - - Permits alumnus of Auburn University to purchase special license plate displaying Auburn logo and colors. Amends TCA Title 55, Chapter 4. by *Eckles (*SB52 by *Womack).

Further consideration of House Bill No. 83, previously considered on March 6, 1995, March 8, 1995, March 22, 1995, April 12, 1995, and reset for today's Calendar.

Rep. Eckles moved that **House Bill No. 83** be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 1190 -- County Government -- Gives counties authority, by resolution, to exercise certain powers granted to all or certain municipalities by general law. Amends TCA Title 5, Chapter 1, Part 1. by *Callicott, *Fowlkes, *Pinion, *Curtiss, *Ford S, *Patton, *Hicks, *McDonald (*SB1205 by *Haun).

Further consideration of House Bill No. 1190 previously considered on March 13, 1995, and reset for today's Calendar.

Rep. Callicott moved that House Bill No. 1190 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved Amendment No. 1 to the heel of the Amendments.

Rep. Callicott moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1190 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 1, Part 1, is amended by adding the following as new sections:

Section _____. Counties, by resolution of their legislative bodies, in addition to other powers authorized by general law or private act, may exercise the following powers granted to all or certain municipalities by the following sections or subsections of the Tennessee Code Annotated:

(1) 6-2-201, subsections (3) through (8), subsections (10) through (13), subsections (18), (19), (25), (26) and (28);

(2) 6-54-103;

(3) 6-54-110;

(4) 6-54-307;

(5) 6-54-601 through 6-54-603.

Section _____. Counties, by resolution of their legislative bodies, may condemn respective property, real or personal, or any interest, or estate or use therein, for present or future public use, either within or without the county, in accordance with the terms and provisions of title 29, chapter 16, or in any other manner provided by law, except that a county may not condemn property located outside of the county without receiving the approval of the county legislative body of the county wherein the land proposed to be taken for public use is located.

Section _____. Counties, by resolution of their legislative bodies, may license and regulate dogs and cats, establish and operate shelters and other animal control facilities, and regulate, capture, impound and dispose of stray dogs, stray cats and other stray animals.

Section _____. Counties, by resolution of their legislative bodies, may establish a monetary penalty not to exceed five hundred dollars (\$500) for each violation of a rule or regulation that the county legislative body is authorized to adopt.

Section _____. The powers granted to counties by this part shall not include the regulation of buildings used primarily for agricultural purposes;

it being the intent of the General Assembly that the powers granted to counties by this part should not be used to inhibit normal agricultural activities.

Section _____. The general sessions court or court exercising the powers of a general sessions court in any county shall have jurisdiction of matters related to this section and shall have power to enforce regulations and resolutions by which counties may exercise authority under this part. In the event of a conflict between a regulation or resolution of a county made pursuant to this part and an ordinance or regulation of any municipality in the county, such conflict shall be resolved in favor of the municipality with respect to persons and property within the municipality.

SECTION 2. It is not the intent of the General Assembly in enacting this act to allow any county to prohibit or in any way to impede any municipality in exercising any power or authority the municipality may lawfully exercise.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Head moved adoption of Amendment No. 1 to Amendment No. 2 as follows:

Amendment No. 1 to Amendment No. 2

AMEND House Bill No. 1190 by deleting from the amendatory language of the first subdivision in Section 1 the punctuation, figures and symbols ", (25)".

Rep. Callicott moved that Amendment No. 2, as amended, be adopted which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

On motion, Rep. Jones U (Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Callicott moved that **House Bill No. 1190**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole

(Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 93** -- Motor Vehicles, Titling and Registration -- Permits alumnus of University of Alabama to purchase special license plate denoting University of Alabama logo and colors. Amends TCA Title 55, Chapter 4. by *Odom (SB75 by *Henry).

Further consideration of House Bill No. 93, previously considered on March 2, 1995, March 9, 1995, March 30, 1995, April 13, 1995, and reset for today's Calendar.

Rep. Odom moved that **House Bill No. 93** be re-referred to the Calendar and Rules Committee, which motion prevailed.

***House Bill No. 695** -- Telecommunications -- Revises regulation of telecommunications service provider by public service commission; requires competition among providers to be made fair by requiring all regulation be applied impartially and without discrimination. Amends TCA Title 65, Chapter 4, Parts 1 and 2 and Title 65, Chapter 5, Part 2. by *Bragg, *Jackson, *Robinson, *Napier, *Bell, *Wood, *Davidson, *Pinion, *McAfee, *Ford S (SB891 by *Rochelle, *Henry, *Atchley, *Rice, *Hamilton).

Further consideration of House Bill No. 695, previously considered on April 17, 1995, and reset for today's Calendar.

Rep. Bragg moved that House Bill No. 695 be reset to the Calendar for Wednesday, May 17, 1995, which motion prevailed.

***House Bill No. 1782** -- Minority Affairs -- Provides that any person, who claims to be aggrieved by discriminatory practice prohibited by Civil Rights Act of 1964, Title VI, may file complaint within 180 days of alleged discriminatory act. Such complaint shall be filed with federal funding agency, with state agency through which federal funding was transmitted, or with human rights commission. Remedies may include withholding or withdrawal of federal funds. Amends TCA Title 4, Chapter 21, Part 9. by *Davis, *Kerr, *Davis, *Williams (Union), *Westmoreland, *Duer, *Coffey, *Clabough, *Patton, *Boyer, *Kent, *Newton, *Beavers, *Cantrell, *Sharp, *Peach, *McKee, *Hicks, *Ford S, *Roach, *Haley, *Bird, *Wood, *Ramsey (SB1771 by *Haun, *McNally, *Atchley).

Further consideration of House Bill No. 1782, previously considered on April 19, 1995, at which time the House adopted

Amendment No. 1 and tabled Amendments No(s). 2 and 3 and then reset House Bill No. 1782 for today's Calendar.

Rep. Davis moved that House Bill No. 1782 be passed on third and final consideration.

Rep. Davis moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1782 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, Part 9, is amended by adding the following new sections:

Section _____. It is a discriminatory practice for any state agency receiving federal funds making it subject to Title VI of the Civil Rights Act of 1964, or for any person receiving such federal funds from a state agency, to exclude a person from participation in, deny benefits to a person, or to subject a person to discrimination under any program or activity receiving such funds, on the basis of race, color, or national origin.

Section _____. Any person claiming to be aggrieved by a discriminatory practice under this part may file a complaint with the state agency receiving the funds within 180 days of the occurrence of the alleged discriminatory act. An aggrieved person may also file a complaint with the human rights commission, as provided in Tennessee Code Annotated, Section 4-21-302. Complaints filed with the human rights commission are subject to all the powers of the commission and will be subject to all of the procedures set out in Tennessee Code Annotated, Title 4, Chapter 21, Part 3. Complaints filed with state agencies are subject to review by the human rights commission for applicability under Title VI.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 1995, the public welfare requiring it.

Rep. Westmoreland moved the previous question on Amendment No. 4, which motion prevailed.

On motion, Amendment No. 4 was adopted.

Rep. Brown moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 1782 by inserting the following as a new, appropriately designated section immediately preceding the final section and by renumbering the final section accordingly:

SECTION __. The comptroller of the treasury shall employ at least three (3) regionally based, Title VI compliance officers. It shall be the duty of such compliance officers to:

(1) review current Title VI monitoring and enforcement procedures as reflected by federal and state statutes, rules, regulations, programs, services, budgetary priorities, and Title VI implementation plans;

(2) provide technical assistance, consultation, and resources to encourage and assist compliance, by state governmental entities and by the subrecipients of federal funds transmitted through such entities, with the requirements of Title VI;

(3) conduct research, hold public hearings, publish reports, and engage in other activities to inform Tennesseans of the provisions and requirements of Title VI;

(4) audit state governmental entities and their subrecipients to promptly detect the existence of any discriminatory practices prohibited by Title VI and to promptly advise such entities and subrecipients of the findings and recommendations arising from such audits; and

(5) engage in other activities as are reasonably related to the prevention of discriminatory practices prohibited by Title VI.

Rep. Davis moved that Amendment No. 5 be tabled, which motion prevailed.

Rep. Brown moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND House Bill No. 1782 by deleting Section 2 and by substituting instead the following:

SECTION 2. Prior to January 1, 1997, the comptroller of the treasury shall evaluate the effectiveness of this act and shall complete a performance audit of the human rights commission act to determine the extent to which discriminatory practices, prohibited by Title VI, have been successfully prevented and/or resolved. The findings and recommendations resulting from such evaluation and performance audit shall be presented by the comptroller to the government operations committees of the senate

and the house of representatives prior to January 1, 1997.

SECTION 3. This act shall take effect on July 1, 1995, and shall remain in effect through June 30, 1997, at which time this act is hereby repealed.

Rep. Davis moved that Amendment No. 6 be tabled, which motion prevailed.

Rep. McDaniel moved the previous question on House Bill No.1782, which motion prevailed.

Rep. Davis moved that **House Bill No. 1782**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Brooks, Brown -- 2.
A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 330; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REGULAR CALENDAR, CONTINUED

House Bill No. 1528 -- Real Estate Agents and Brokers -- Defines agency relationships in real estate transactions; delineates duties for brokers and agents. Amends TCA Title 62, Chapter 13. by *Byrd, *Ramsey, *Turner (Ham), *Haley, *Ritchie (*SB1646 by *Wallace, *Person).

Rep. Byrd moved that House Bill No. 1528 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1528 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-13-102, is amended by adding the following as new, appropriately designated subdivisions:

(6) "Adverse facts" means conditions or occurrences generally recognized by competent licensees that significantly affect the value of real estate, significantly reduce the structural integrity of improvements to real property, or present a significant health risk to occupants of the property. "Adverse facts" also means information which indicates a party will not be able to, or does not intend to, complete the party's obligations in the transaction.

(7) "Client" means a party to a transaction with whom the broker has entered into a specific written agency agreement to provide services.

(8) "Customer" means any party other than a client in a transaction, for whom or to whom a licensee provides services.

(9) "Designated agent" refers to a licensee who has been chosen by such licensee's managing broker to serve as the agent of an actual or prospective party to a transaction, to the exclusion of other licensees employed by or affiliated with such broker.

(10) "Dual agency" refers to a situation in which the licensee has agreements to provide services as an agent to more than one (1) party in a specific transaction and in which the interests of such parties are adverse.

(11) "Limited agency" means an agency relationship created for the purpose of providing real estate services in which the client's liability for the actions or statements of the agent is limited to actions or statements initiated by specific instruction of the client or those actions or statements about which the client had knowledge.

(12) "Material" means any statement, representation or fact relative to a transaction that would affect a reasonable person's decision to enter into an agreement and which has been identified by such person as being of significance to a particular party.

(13) "Transaction" means the purchase, sale, rental, or option of an interest in real estate or business opportunity.

(14) "Facilitator" means any licensee (A) who assists one (1) or more parties to a transaction who has not entered into a specific written agency agreement to represent one (1) or more of the parties; or (B) whose specific written agency agreement provides that if the licensee or someone associated with the licensee also represents another party to the same transaction, such licensee shall be deemed to be a facilitator and not a dual agent, provided that notice of assumption of facilitator status is provided to the buyer and seller immediately upon such default to facilitator status, to be confirmed in writing prior to execution of the contract.

(15) "Party" means any person or persons seeking to obtain or divest an interest in real estate or a business opportunity as a buyer, seller, landlord, tenant, option grantee or option grantor.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 13, is amended by adding Sections 3 through 11 as new, appropriately designated sections.

SECTION 3. A real estate licensee may provide real estate services to any party in a prospective transaction, with or without an agency relationship to one (1) or more parties to the transaction. Until such time as a licensee enters into a specific written agreement to establish an agency relationship with one (1) or more parties to a transaction, such licensee shall be considered a facilitator and shall not be considered an agent of any party to the transaction. An agency or subagency relationship shall not be assumed, implied or created without a written bilateral agreement that establishes the terms and conditions of such agency or subagency relationship. A licensee shall immediately disclose such to any prospective customer or client.

SECTION 4.

(a) If a real estate licensee is engaged as an agent, such real estate licensee serves as a limited agent retained to provide real estate services to a client. Such licensee shall function as an intermediary in negotiations between the parties to a transaction unless such parties negotiate directly.

(b) A real estate licensee shall owe all parties to a transaction the duties enumerated in Section 5. A licensee shall owe to such licensee's client the duties enumerated in Section 6.

(c) Notwithstanding any provision of law to the contrary, the duties enumerated in Section 5 and

Section 6 shall supersede any fiduciary or common law duties owed by a licensee to such licensee's client upon the effective date of this act.

SECTION 5. A licensee who provides real estate services in a real estate transaction shall owe all parties to such transaction the following duties in addition to other duties specifically set forth in this Chapter or the rules of the Commission:

(1) To diligently exercise reasonable skill and care in providing services to all parties to the transaction;

(2) To disclose to each party to the transaction any adverse facts of which licensee has actual notice or knowledge;

(3) To maintain for each party to a transaction the confidentiality of any information obtained by a licensee prior to disclosure to all parties of a written agency or subagency agreement entered into by the licensee to represent either or both of the parties in a transaction. This duty of confidentiality extends to any information which the party would reasonably expect to be held in confidence, except for information which the party has authorized for disclosure, information required to be disclosed under this act, and information otherwise required to be disclosed pursuant to this chapter. This duty survives both the subsequent establishment of an agency relationship and the closing of the transaction;

(4) To provide services to each party to the transaction with honesty and good faith;

(5) To provide to each party to the transaction timely and accurate information regarding market conditions that might affect such transaction when such information is requested by a party;

(6) To timely account for trust fund deposits and all other property received from any party to the transaction; and

(7)
(A) To not engage in self-dealing nor to act on behalf of licensee's immediate family, or on behalf of any other individual, organization or business entity in which the licensee has a personal interest without prior disclosure of such interest and the timely written consent of all parties to the transaction;

(B) To not recommend to any party to the transaction the use of services of another individual, organization or business entity in which the licensee has an interest or from whom the licensee may receive a referral fee

or other compensation for the referral, other than referrals to
other licensees to provide real estate services
under the Tennessee Real Estate Broker License
Act of 1973, without timely disclosing to the
party who receives the referral, the licensee's
interest in such referral or the fact that a referral fee
may be received.

SECTION 6. Any licensee who acts as an agent in a
transaction regulated by the Tennessee Real Estate
Broker License Act of 1973 owes to such licensee's client in
that transaction the following duties:

(1) To obey all lawful instructions of the client
when such instructions are within the scope of the
agency agreement between licensee and licensee's
client.

(2) To disclose to the client any adverse facts
of which the licensee has actual notice or
knowledge, other than confidential information and
information which is known to the client; and

(3) To be loyal to the interests of the client. A
licensee must place the interests of the client
before all others in negotiation of a transaction
and in other activities except where such loyalty duty
would violate licensee's duties to a customer, under Section 5 or
a licensee's duties to another client in a dual
agency.

SECTION 7.

(a) Prior to providing any real estate services
to a client or customer in a prospective transaction,
a licensee shall provide the client or customer
with a written disclosure that delineates the
licensee's duties to all parties under Section 5, the licensee's
duties to clients under Section 6, and the
facilitator, agent, subagent, or designated agent
status of the licensee in the transaction. This
written disclosure shall also include the following statement:

EVERY REAL ESTATE LICENSEE SHALL MAINTAIN THE
CONFIDENTIALITY OF ANY INFORMATION RECEIVED FROM YOU
BY THE LICENSEE PRIOR TO THE LICENSEE'S DISCLOSURE TO YOU
OF A WRITTEN AGENCY OR SUBAGENCY AGREEMENT TO REPRESENT
ANYONE IN A TRANSACTION TO WHICH YOU MAY BE A PARTY,
EXCEPT FOR ADVERSE FACTS REQUIRED TO BE DISCLOSED
UNDER TENNESSEE LAW.

The licensee may add additional agency
information to supplement such required
disclosure language.

(b) Immediately following delivery of the written
disclosure, the licensee shall obtain a signed
receipt for such disclosure from the party to whom it
was provided.

(c) The disclosure of duties and relationships, as provided in subdivision (a), shall not be construed as, or be considered a substitute for, a written agreement to establish an agency relationship between the broker and a party to a transaction as referenced in Section 8.

(d) Upon initial contact with any other licensee involved in the same prospective transaction, the licensee shall immediately disclose such licensee's role in the transaction, including any agency relationship, to this other licensee. If the licensee's role changes at any subsequent date, such licensee shall immediately notify any other licensees and any parties to the transaction relative to such change in status.

SECTION 8.

(a) A licensee entering into a written agreement to represent any party in the buying, selling, exchanging, renting or leasing of real estate may be appointed as the designated and individual agent of this party by the licensee's managing broker, to the exclusion of all other licensees employed by or affiliated with such managing broker. A managing broker providing services under the provisions of the Tennessee Real Estate Broker License Act of 1973 shall not be considered a dual agent if any individual licensee so appointed as designated agent in a transaction, by specific appointment or by written company policy, does not represent interests of any other party to the same transaction.

(b) The use of a designated agency does not abolish or diminish the managing broker's contractual rights to any listing or advertising agreement between the firm and a property owner, nor does this section lessen the managing broker's responsibilities to ensure that all licensees affiliated with or employed by such broker conduct business in accordance with appropriate laws, rules and regulations.

(c) There shall be no imputation of knowledge or information among or between clients, managing broker and any designated agent(s) in a designated agency situation.

SECTION 9. A client or other party to whom a real estate licensee provides services shall not be liable for damages for the misrepresentations of the licensee arising out of such licensee's services unless the client or party knew, or had reason to know, of the misrepresentation. This section shall not limit the liability of a licensee's managing broker for the misrepresentations of the managing broker's licensees.

SECTION 10. This act shall supersede common law to the extent common law is inconsistent with the provisions of this act.

SECTION 11. This act shall take effect on January 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved that **House Bill No. 1528**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Napier, Rigsby, Shirley -- 3.

A motion to reconsider was tabled.

House Bill No. 457 -- Sunset Laws -- Tennessee corrections institute, board of control, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 41, Chapter 7. by *Kernell, *Garrett, *Brooks (*SB178 by *Haynes).

Rep. Kernell moved that House Bill No. 457 be reset to the Calendar for Monday, May 15, 1995, which motion prevailed.

***House Bill No. 32** -- Authorities -- Authorizes two members of seven member airport authority board in Shelby County to be appointed by executive officer of participating municipality and approved by county board of commissioners Amends TCA 42-4-105(c). by *Kent, *Chumney (SB30 by *Ford J, *Dixon).

Rep. Kent moved that House Bill No. 32 be reset to the Calendar for Wednesday, May 17, 1995, which motion prevailed.

House Bill No. 1335 -- Insurance, Health, Accident -- Provides for reimbursement on insured or other person entitled to benefits under policy of insurance for services rendered by duly licensed

nurse. Amends TCA Title 56, Chapter 7, Part 24. by *Odom, *Halteman Harwell, *Ridgeway, *Brown (*SB1058 by *Crutchfield, *O'Brien).

Rep. Odom moved that House Bill No. 1335 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1335 by deleting all language after the enacting clause and by substituting instead the following language:

Section 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 24, is amended by adding the following language as a new section within that part:

(a) Whenever any contract, plan, or policy of insurance issued in this state provides for reimbursement of any service which is within the lawful scope of practice of a nurse in advanced practice, the insured or other person entitled to benefits under such contract, plan, or policy shall be entitled to reimbursement for such services, whether such services are performed by a duly licensed physician or a duly licensed nurse in advanced practice. For purposes of this section, the term "nurse in advanced practice" means a registered nurse who is duly licensed by the Tennessee board of nursing and is also a nationally certified nurse practitioner, a nationally certified registered nurse anesthetist, or a nationally certified clinical specialist.

(b) Reimbursements shall be made in a timely manner.

(c) The provisions of this section relating to the services of a nurse in advanced practice shall apply to all contracts, plans, or policies issued or renewed on or after July 1, 1995.

Section 2. this act shall take effect on July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 1335**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
Noes 3

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr,

Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Duer, Eckles, Westmoreland -- 3.

A motion to reconsider was tabled.

House Bill No. 1292 -- Utilities, Utility Districts -- Expands time by which board of commissioners is required to select nominees to fill vacant commissioner position, from two to three weeks after such vacancy occurs. Amends TCA Title 7, Chapter 82. by *Windle (*SB1542 by *O'Brien).

Rep. Windle requested that House Bill No. 1292 be moved down three places on the Calendar, which motion prevailed.

***House Joint Resolution No. 129** -- Constitutional Amendments -- Proposes amendment to Article I, Section 32 of Constitution to remove requirement that prisons be comfortable. by *Buck, *Pinion, *Winningham, *Bell, *Herron, *Haley, *Givens, *Ramsey, *Rinks, *Westmoreland, *Williams (Union), *Walley, *Curtiss.

Further consideration of House Joint Resolution No. 129, previously considered on April 20, 1995, and reset for today's Calendar.

Rep. Buck requested that the Clerk read the Resolution for the second constitutional reading.

The Clerk read the Resolution for the second constitutional reading.

Rep. Buck moved that House Joint Resolution No. 129 be reset to the Calendar for Thursday, April 27, 1995, which motion prevailed.

House Bill No. 1406 -- Juvenile Offenders -- Enacts "Child Curfew Act of 1995" for Shelby County by *Jones U (Shelby), *Bowers, *Towns, *Jones U (Shelby) (*SB231 by *Dixon).

Further consideration of House Bill No. 1406, previously considered on April 20, 1995, and reset for today's Calendar.

Rep. Jones U (Shelby) moved that House Bill No. 1406 be reset to the Calendar for Monday, May 15, 1995, which motion prevailed.

House Bill No. 955 -- Metropolitan Government -- Allows legislative body of metropolitan government to assign responsibility for planning, locating, constructing and operating storm water facilities to any department or commission in county. Amends TCA Title 68, Chapter 221. by *Odom, *Langster, *Pruitt, *West,

*Robinson, *Arriola, *Garrett, *Jones, S., *Purcell (*SB897 by *Rochelle, *Harper).

Further consideration of House Bill No. 955, previously considered on April 24, 1995, at which time it was objected to on the Consent Calendar and reset for the Regular Calendar to April 26, 1995.

Rep. Odom requested that House Bill No. 955 be moved down two places on the Calendar, which motion prevailed.

House Bill No. 1292 -- Utilities, Utility Districts -- Expands time by which board of commissioners is required to select nominees to fill vacant commissioner position, from two to three weeks after such vacancy occurs. Amends TCA Title 7, Chapter 82. by *Windle (*SB1542 by *O'Brien).

Further consideration of House Bill No. 1292, previously considered on today's Calendar.

Rep. Windle moved that House Bill No. 1292 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1292 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following as a new subsection to be appropriately designated:

() (1) In any water utility district with at least two thousand (2,000) subscribers in any county with a population of not less than fourteen thousand six hundred fifty (14,650) and not more than fifteen thousand (15,000), according to the 1990 federal census or any subsequent federal census, commissioners shall be selected as provided in this subsection. Each member, upon expiration of such member's term, shall continue to hold office until such successor shall have been appointed and qualified. Within two (2) weeks after the occurrence of a vacancy in the office of any commissioner caused by death, resignation, disability, or forfeiture of office, and no later than thirty (30) days prior to the expiration of the term of office of any incumbent commissioner, the board of commissioners or its remaining members shall select three (3) nominees to fill such office, in full accordance with any residential requirements that may apply to the office vacated or to be vacated, and under the seal of the board of commissioners, shall certify such list of nominees in order of preference recommended by such commissioners, to the county legislative body of the county in which the utility district or its principal office is located; or of the county in which the commissioners of the district customarily meet if

the district has no principal office. Within twenty-one (21) days after the issuance of certification by the board of commissioners to the county legislative body, the county legislative body may by resolution either appoint one (1) of the nominees or reject the entire list or may refrain from taking any action, in which event the first name on the list of nominees shall be deemed appointed to fill the vacancy or new term by operation of law. Any order either appointing or rejecting a list of nominees shall be entered of record on the minutes of the county legislative body and a certified copy thereof shall be furnished to the board of commissioners and to the appointee, if any; provided, that upon the rejection of any entire list of nominees by the county legislative body, the board of commissioners shall continue to submit new non-identical lists of three (3) nominees to the county legislative body within thirty (30) days after each such rejection until such procedure shall result in the vacancy being filled for the remainder of the term or for the new term, as herein provided.

(2) The provisions of subsection (1) of this subsection shall be effective in any county to which it may apply upon approval by resolution adopted by a majority vote of the legislative body of such county.

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 3. This act shall take effect on becoming a law the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Windle requested that House Bill No. 1292 be moved down five places on the Calendar, which motion prevailed.

House Bill No. 74 -- Housing -- Permits compensation for housing authority commissioners if authorized by local ordinance Amends TCA Title 13, Chapter 20. by *Phillips (*SB43 by *Cooper).

Further consideration of House Bill No. 74, previously considered on April 24, 1995, at which time it was objected to on the Consent Calendar and reset for the Regular Calendar to April 26, 1995.

Speaker Naifeh requested that House Bill No. 74 be moved to the heel of the Calendar, which motion prevailed.

House Bill No. 955 -- Metropolitan Government -- Allows legislative body of metropolitan government to assign responsibility for planning, locating, constructing and operating storm water facilities to any department or commission in county. Amends TCA Title 68, Chapter 221. by *Odom, *Langster, *Pruitt, *West, *Robinson, *Arriola, *Garrett, *Jones, S., *Purcell (*SB897 by *Rochelle, *Harper).

Further consideration of House Bill No. 955 previously considered on today's Calendar.

Rep. Odom moved that House Bill No. 955 be reset to the Calendar for Wednesday, May 17, 1995, which motion prevailed.

House Bill No. 1872 -- Lake County -- Subject to local approval, institutes new effective date, September 1, 1998, for the compensation of general sessions court judge in accordance with TCA 1615-5003; changes general sessions judge position from a full time to part time. Amends Chapter 49, Private Acts of 1987, as amended. by *Pinion (SB1860 by *Hamilton).

Further consideration of House Bill No. 1872, previously considered on April 24, 1995, at which time it was objected to on the Consent Calendar and reset for the Regular Calendar to April 26, 1995.

Rep. Pinion moved that **House Bill No. 1872** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisher, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Brooks, Pruitt -- 2.

A motion to reconsider was tabled.

House Bill No. 1860 -- Gibson County -- Authorizes issuance and sale of school bonds up to \$5.3 million. Amends Chapter 62, Private Acts of 1981, as amended. by *Phelan (SB1826 by *Carter).

Further consideration of House Bill No. 1860, previously considered on April 24, 1995, at which time it was objected to on the Consent Calendar and reset for the Regular Calendar to April 26, 1995.

Rep. Phelan moved that House Bill No. 1860 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Phelan moved that **House Bill No. 1860** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	2
Present and not voting	3

Representatives voting aye were: Armstrong, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Brooks, Brown -- 2.

Representatives present and not voting were: Langster, Pruitt, West -- 3.

A motion to reconsider was tabled.

House Bill No. 1880 -- Gibson County -- As requested by Trenton Special School District, revises powers of school district board to issue bonds and notes; raises property tax rate from \$1.62 per \$100 value to \$2.07. Amends Chapter 144, Private Acts of 1975. by *Phelan (SB1871 by *Carter).

Further consideration of House Bill No. 1880, previously considered on April 24, 1995, at which time it was objected to on the Consent Calendar and reset for the Regular Calendar to April 26, 1995.

Rep. Phelan moved that **House Bill No. 1880** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	80
Noes	3
Present and not voting	5

Representatives voting aye were: Armstrong, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Buck, Byrd, Callicott, Cantrell,

Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Brooks, Brown, Burchett -- 3.
Representatives present and not voting were: Dunn, Jones, S., Langster, Pruitt, West -- 5.

A motion to reconsider was tabled.

House Bill No. 1292 -- Utilities, Utility Districts -- Expands time by which board of commissioners is required to select nominees to fill vacant commissioner position, from two to three weeks after such vacancy occurs. Amends TCA Title 7, Chapter 82. by *Windle (*SB1542 by *O'Brien).

Further consideration of House Bill No. 1292, previously considered on today's Calendar.

Rep. Windle requested that House Bill No. 1292 be moved down one place on the Calendar, which motion prevailed.

House Bill No. 1879 -- Gibson County -- As requested by Bradford Special School District, sets property tax rate for district at \$1.94 per \$100 value. Amends Chapter 153, Private Acts of 1917, as amended. by *Phelan (SB1872 *Carter).

Further consideration of House Bill No. 1879, previously considered on April 24, 1995, at which time it was objected to on the Consent Calendar and reset for the Regular Calendar to April 26, 1995.

Rep. Phelan moved that **House Bill No. 1879** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	3
Present and not voting	5

Representatives voting aye were: Armstrong, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Buck, Byrd, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Walley, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Brooks, Brown, Burchett -- 3.

Representatives present and not voting were: Dunn, Jones, S., Langster, Pruitt, West -- 5.

A motion to reconsider was tabled.

House Bill No. 1292 -- Utilities, Utility Districts -- Expands time by which board of commissioners is required to select nominees to fill vacant commissioner position, from two to three weeks after such vacancy occurs. Amends TCA Title 7, Chapter 82. by *Windle (*SB1542 by *O'Brien).

Further consideration of House Bill No. 1292, previously considered on today's Calendar.

Rep. Windle moved that **House Bill No. 1292**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood -- 90.

A motion to reconsider was tabled.

House Bill No. 1531 -- Private Protective Services -- Exempts full time law enforcement officer from training requirements to get registration upon submission of police officer standards and training commission certification. Amends TCA Title 62, Chapter 35. by *Westmoreland, *Cole (Dyer), *Kent, *Boyer, *Bird, *Phelan, *Rinks (*SB1623 by *Kyle).

Further consideration of House Bill No. 1531, previously considered on April 24, 1995, at which time it was objected to on the Consent Calendar and reset for the Regular Calendar to April 26, 1995.

On motion, House Bill No. 1531 was made to conform with **Senate Bill No. 1623**; the Senate Bill was substituted for the House Bill.

Rep. Westmoreland moved that Senate Bill No. 1623 be passed on third and final consideration.

Rep. Miller moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1623 by deleting from the second sentence of the amendatory language of Section 1 the words " may issue" and by substituting instead the words " must issue" .

Rep. Bird moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	52
Noes	33
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Buck, Burchett, Byrd, Cantrell, Coffey, Cole (Dyer), Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Joyce, Kerr, Lewis, McAfee, McDaniel, McKee, Newton, Patton, Peach, Phelan, Pinion, Ramsey, Rhinehart, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, West, Westmoreland, Whitson, Williams (Union), Wood - - 52.

Representatives voting no were: Bell, Bragg, Brooks, Chumney, Cole (Carter), Cross, DeBerry, J., DeBerry, L., Fitzhugh, Fowlkes, Herron, Jackson, Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, McDonald, McMillan, Miller, Napier, Odom, Phillips, Pruitt, Purcell, Ridgeway, Robinson, Towns, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 33.

Representatives present and not voting were: White -- 1.

Rep. Westmoreland moved that **Senate Bill No. 1623** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives present and not voting were: Brown, Langster, Pruitt -- 3.

A motion to reconsider was tabled.

***House Bill No. 187** -- Metropolitan Government -- Permits park rangers employed by metropolitan government to be commissioned as law enforcement officers and to enforce state and local laws throughout jurisdiction of metropolitan government upon successfully completing training requirements of Jerry F. Agee Tennessee Law Enforcement Training Academy. Amends TCA Title 7, Chapter 3. by *Odom (SB961 by *Haynes).

Further consideration of House Bill No. 187, previously considered on April 24, 1995, at which time it was objected to on the Consent Calendar and reset for the Regular Calendar to April 26, 1995.

Rep. Odom moved that House Bill No. 187 be reset to the Calendar for Wednesday, May 17, 1995, which motion prevailed.

House Bill No. 1856 -- Benton County -- Subject to local approval, authorizes severance tax on pulpwood. by *Peach (SB1834 by *Hamilton).

Further consideration of House Bill No. 1856, previously considered on April 24, 1995, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for April 26, 1995.

Rep. Peach moved that House Bill No. 1856 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes	67
Noes	18

Representatives voting aye were: Armstrong, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, West, White, Williams (Union), Winningham, Wood, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Beavers, Bittle, Bowers, Burchett, Callicott, Cantrell, Coffey, DeBerry, J., Dunn, Head, McDaniel, Newton, Ramsey, Stamps, Walley, Westmoreland, Williams (Williamson), Windle -- 18.

Rep. Peach moved that **House Bill No. 1856** be passed on third and final consideration, which motion failed by the following vote:

Ayes	34
Noes	36
Present and not voting	11

Representatives voting aye were: Armstrong, Beavers, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Coffey, Davis, Dunn, Ford, Fowlkes, Gunnels, Herron, Hicks, Huskey, Joyce, Kent,

Kerr, McDaniel, Patton, Phelan, Ramsey, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Winningham, Wood -- 34.

Representatives voting no were: Arriola, Bell, Bowers, Bragg, Burchett, Chumney, Cole (Dyer), Cross, Curtiss, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Garrett, Givens, Hargrove, Jones, S., Langster, Lewis, McDonald, McMillan, Napier, Odom, Phillips, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Stulce, Towns, West, White, Williams (Williamson), Mr. Speaker Naifeh -- 36.

Representatives present and not voting were: Halteman Harwell, Hassell, Head, Jackson, Kernell, Miller, Pruitt, Rhinehart, Walley, Williams (Union), Windle -- 11.

Having failed to receive a constitutional majority, **House Bill No. 1856** was re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1536 -- Criminal Procedure -- Requires court having jurisdiction to expunge misdemeanor records upon request of misdemeanant, if no subsequent criminal offense committed since original misdemeanor conviction; requires petition to expunge records to be filed not less than five nor more than 20 years from date of conviction. Amends TCA Section 40-32-101. by *Stulce (*SB1712 by *Crutchfield).

Further consideration of House Bill No. 1536, previously considered on April 24, 1995, and reset for today's Calendar.

Rep. Stulce moved that House Bill No. 1536 be reset to the Calendar for Wednesday, May 24, 1995, which motion prevailed.

House Bill No. 851 -- Coon Dog Laws -- Authorizes coon hunts during closed season in Morgan County so long as no coons are taken. Amends TCA Section 70-4-122. by *Windle (*SB1246 by *O'Brien).

Further consideration of House Bill No. 851 previously considered on April 24, 1995, and reset for today's Calendar.

Rep. Windle moved that House Bill No. 851 be passed on third and final consideration.

Rep. Jackson moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 851 by adding the following as a new section to precede the effective date section:

SECTION ____ Tennessee Code Annotated, Section 70-4-122(b), is amended by deleting subdivision (3) in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 851 by inserting the following language at the end of the third sentence of the amendatory language of Section 1:

The "sanctioned hunts" shall require the approval of a recognized Kennel Club such as the AKC, UKC, NKC or PKC.

On motion, Amendment No. 2 was adopted.

Rep. Jackson moved the previous question, which motion prevailed.

Rep. Windle moved that **House Bill No. 851**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	2
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Dunn, Hargrove -- 2.

Representatives present and not voting were: Callicott, Kernell - 2.

A motion to reconsider was tabled.

House Bill No. 513 -- Courts -- Requires counties comprising judicial district to provide safe and secure facilities in which court may conduct business and execute duties. Amends TCA 162-505(d). by *Purcell, *Buck, *Jackson, *Williams (Williamson), *Hargrove, *Langster (*SB86 by *Person, *Jordan, *Crowe).

On motion, House Bill No. 513 was made to conform with **Senate Bill No. 86**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 86 be passed on third and final consideration.

Rep. Buck moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Purcell moved that **Senate Bill No. 86** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 681** -- Pensions and Retirement Benefits -- Purports to amend deferred or tax sheltered compensation programs for public employees by changing references to board of trustees; however, no substantive change in law is made. Amends TCA Title 8, Chapter 25, Parts 1, 3, 5. by *Rhinehart, *Purcell, *Ridgeway, *Bittle, *Odom, *McDaniel, *Stamps, *Rinks, *Hargrove, *Halteman Harwell, *Bell (SB1050 by *Atchley, *Cooper).

Rep. Rhinehart moved that House Bill No. 681 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 681 by deleting the amendatory and directory language in SECTION 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-25-303, is amended by deleting it in its entirety and by substituting instead the following:

8-25-303. (a) Beginning on January 1, 1996, the state of Tennessee shall provide for employer matching of contributions to the plan on behalf of participating state employees who are eligible to participate in the Tennessee consolidated retirement system or the optional retirement program established pursuant to chapter 35, part 4 of this title. The employer match shall equal twenty dollars (\$20.00) per month for the first twenty dollars (\$20.00) contributed by each such state employee per month, unless the employee elects, on a form prescribed by the state treasurer, to have the employer matching based on the

amount contributed by the employee from the employee's longevity pay. If the employee makes such an election, the employer match shall equal the amount contributed by such state employee from the employee's longevity pay, up to the sum total contributed by the state for those participating employees who did not make the election.

(b) Notwithstanding this or any other provision to the contrary, the amount of the employer matching shall not exceed the maximum allowed under the Internal Revenue Code, and shall conform to all applicable laws, rules and regulations of the internal revenue service governing profit sharing and/or salary reduction plans for state employees.

AND FURTHER AMEND by adding the following as a new SECTION 3 and by redesignating the existing SECTION accordingly:

SECTION 3. Implementation of the provisions of this Act shall be subject to the funding being provided in the General Appropriations Act.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 681 by adding the following at the end of Section 1:

(c) It is the legislative intent that the employer match pursuant to this section shall be provided each fiscal year only if the general appropriations act for the fiscal year contains an appropriation to provide for such matching amount.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved that **House Bill No. 681**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan,

Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Dunn, Haley -- 2.

A motion to reconsider was tabled.

House Bill No. 1303 -- Insurance Companies, Agents, Brokers -- Clarifies that licensed insurance agent may serve on board of insurance company. Amends TCA Title 56. by *Hargrove, *Rhinehart (*SB1223 by *Burks).

Rep. Rhinehart moved that House Bill No. 1303 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1303 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section ____, Tennessee Code Annotated, Title 56, Chapter 7, Part 1, is amended by adding the following new section:

Notwithstanding any other provision of law to the contrary, an insurer may exclude coverage pursuant to a contractual agreement provided such exclusion complies with Tennessee Code Annotated, Title 56.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 1303**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson,

Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Boyer, Brooks -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 1303 and have this statement entered in the Journal: Rep(s). Eckles.

REGULAR CALENDAR, CONTINUED

House Bill No. 1294 -- Hamilton County -- Subject to local approval, creates two new divisions of general sessions court. Amends Chapter 6, Private Acts of 1941, as amended. by *Stulce, *McAfee, *Wood, *Sharp, *Turner (Hamilton) (SB1814 by *Crutchfield, *Fowler).

On motion, House Bill No. 1294 was made to conform with **Senate Bill No. 1814**; the Senate Bill was substituted for the House Bill.

Rep. Stulce moved that Senate Bill No. 1814 be passed on third and final consideration.

Rep. Wood moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1814 by deleting from Section 1(c) the first sentence in its entirety and by substituting instead the following:

An election shall be held for the judges of Division IV and V at the regular August election in 1996.

Rep. Stulce moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	54
Noes	40
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Buck, Byrd, Cantrell, Chumney, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kisber, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Peach, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Stulce, Towns, West, White, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Brooks, Brown, Burchett, Callicott, Coffey, Cole (Carter), Davis, Duer, Dunn, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Huskey, Joyce, Kent, Kerr, McAfee, McDaniel, McKee, Newton, Patton,

Ramsey, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 40.

Representatives present and not voting were: Pruitt -- 1.

Rep. Stulce moved that **Senate Bill No. 1814** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes	11
Present and not voting	1

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Cantrell, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Callicott, DeBerry, L., Jones, U. (Shelby), Langster, Miller, Pruitt, Towns -- 11.

Representatives present and not voting were: Jackson -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on **Senate Bill No. 1814** and have this statement entered in the Journal: Rep(s). Chumney.

REGULAR CALENDAR, CONTINUED

***House Bill No. 343** -- Education, Higher -- Creates Tennessee Student Employment Incentive Program to subsidize employment of college students by private businesses. Amends TCA Title 49. by *Kisber, *Ramsey, *Stamps, *Halteman Harwell, *DeBerry L, *Pinion, *Davidson, *Brooks (SB444 by *Rochelle, *Womack, *McNally, *Crowe, *Elsea, *Leatherwood, *Henry, *Carter, *Rice, *Kyle, *Haynes, *Springer, *Hamilton, *Miller J).

On motion, **House Bill No. 343** was made to conform with **Senate Bill No. 444**; the **Senate Bill** was substituted for the **House Bill**.

Rep. Kisber moved that **Senate Bill No. 444** be passed on third and final consideration.

Rep. Davidson moved that **Education Committee Amendment No. 1** be withdrawn, which motion prevailed.

Rep. Davidson moved that Education Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kerr moved the previous question, which motion prevailed.

Rep. Kisber moved that **Senate Bill No. 444** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 86
Noes 4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Haley, Haldeman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Bird, Burchett, Dunn, Shirley -- 4.

A motion to reconsider was tabled.

House Bill No. 1510 -- Economic and Community Development -- Requires state and local approval of property tax incentives for economic development and other public purposes. Amends TCA Title 4, Chapter 17 and Section 67-5-203. by *Kisber (*SB1545 by *Rochelle).

Rep. Kisber moved that House Bill No. 1510 be passed on third and final consideration.

Rep. Jones U (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1510 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 5, Part 6, is amended by adding the following language as a new, appropriately designated section:

Section _____. Leasehold interests assessable under Section 67-5-502 shall be valued by discounting to present value the excess, if any, of fair market rent over actual rent for the leased premises, for the projected term of the lease including renewal options. By virtue of the speculative nature of valuation of options to purchase, any option which the lessee may be given to purchase the leased premises shall be deemed to have no value. The state board of

equalization is authorized to promulgate rules governing the procedure for these valuations.

SECTION 2. This act shall take effect on January 1, 1996, and shall not affect rights or duties that matured, liabilities or penalties that were incurred, or proceedings begun before its effective date.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 1510**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	2
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: DeBerry, J., Jones, R. (Shelby) -
- 2.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 1510 and have this statement entered in the Journal: Rep(s). DeBerry, J.

REGULAR CALENDAR, CONTINUED

House Bill No. 1615 -- Tort Liability -- Removes civil liability from entity which without participating in management of hazardous waste site or underground storage site holds indicia of ownership which protect security interest in site. Amends TCA Title 68. by *Napier, *Odom, *McAfee, *Garrett, *Cross (*SB1510 by *Gilbert, *Kyle, *Burks).

Rep. Napier moved that House Bill No. 1615 be passed on third and final consideration.

Rep. Napier moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1615 by deleting from the amendatory language of Section 2 the language in item (F)(i)(2) in its entirety and substituting instead the following:

"(2) at the time the person acquired title to the hazardous substance site, he or she did not know and had no reason to know that any hazardous substance which is the subject of the release or threatened release was disposed of on, in or at the site, and"

AND FURTHER AMEND by deleting the second sentence in item (F)(ii) of Section 2, in its entirety and substituting instead the following:

"For the purpose of the preceding sentence, the court, presiding authority, or the Department of Environment and Conservation shall take into account any specialized knowledge or experience on the part of such person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or a likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection."

AND FURTHER AMEND by adding to the amendatory language of Section 4 item (1)(B) the phrase "by a prospective lender" between the words "admission" and "prior" in the first sentence.

AND FURTHER AMEND by deleting Section 10 in its entirety and redesignating subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Napier moved that **House Bill No. 1615**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

House Bill No. 762 -- Capital Punishment -- Adds aggravating factor that jury may consider when determining whether to impose death penalty for first degree murder that defendant knowingly mutilated or caused gross disfigurement to body of victim after death. Amends TCA Title 39, Chapter 13, Part 2. by *Jackson (*SB1136 by *Rochelle).

Rep. Jackson moved that House Bill No. 762 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 762 by deleting from the amendatory language of SECTION 1 the language " or caused gross disfigurement to" .

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that **House Bill No. 762**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisher, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 1728 -- Hazardous Materials -- Prohibits portable hazardous waste treatment facilities from bringing hazardous wastes from outside of Tennessee into state for storage and treatment. Amends TCA Title 68, Chapter 212. by *Jackson (*SB1644 by *Springer).

Rep. Jackson moved that House Bill No. 1728 be reset to the Calendar for Monday, May 15, 1995, which motion prevailed.

House Bill No. 1316 -- Employment Security, Dept. of -- Authorizes department to file lien to encumber business owner's property while action for payment under protest proceeds before Tennessee claims commission; suspends all other collection actions. Amends 50-7-404. by *Patton (*SB994 by *Crowe).

Rep. Patton moved that House Bill No. 1316 be reset to the Calendar for Wednesday, May 17, 1995, which motion prevailed.

House Bill No. 1001 -- Financial Institutions, Dept. of -- Empowers commissioner of financial institutions to study, report and recommend legislation to remedy lack of actual presence of state-charted banks in certain areas. - Amends TCA Title 45. by *DeBerry J, *Towns, *Pruitt, *DeBerry L, *Jones R (Shelby), *Turner (Shelby), *Miller L, *Brooks, *Bowers (*SB1324 by *Cohen).

Rep. DeBerry J moved that House Bill No. 1001 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1001 by deleting the first sentence of the amendatory language of Section 1.

On motion, Amendment No. 1 was adopted.

Rep. DeBerry J moved that **House Bill No. 1001**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

A motion to reconsider was tabled.

House Bill No. 74 -- Housing -- Permits compensation for housing authority commissioners if authorized by local ordinance Amends TCA Title 13, Chapter 20. by *Phillips (*SB43 by *Cooper).

Further consideration of House Bill No. 74 previously considered on today's Calendar.

On motion, House Bill No. 74 was made to conform with **Senate Bill No. 43**; the Senate Bill was substituted for the House Bill.

Rep. Phillips moved that **Senate Bill No. 43** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 85
 Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENT

***House Bill No. 17** -- Taxes, Real Property -- Establishes vacant land held and used by nonprofit organization whose primary purpose is to construct single family dwelling to be conveyed to low income family is exempt from property tax from date acquired to date conveyed, not to exceed specified time period. Amends TCA Title 67, Chapter 5, Part 2. by *Phelan, *McKee, *Cole (Dyer), *Givens, *Cross, *Ridgeway, *Kisber, *Phelan, *Dunn, *Williams (Union) (SB100 by *Carter).

Senate Amendment No. 2

AMEND House Bill No. 17 by deleting amendatory subsection (c) of Section 1 and substituting the following:

(c) If the property is planned for subdivision into multiple single family lots according to plans filed by the organization, the period of exemption shall be eighteen (18) months plus six (6) months for each additional lot planned beyond the first. If a lot is not developed as planned, a proportionate share of taxes which would have been due upon the lot, including delinquency penalties and interest, shall accrue from the date of acquisition of the property by the organization. Taxes shall accrue on individual lots within a multi-lot development at the time each lot is conveyed as provided herein.

Rep. Phelan moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 17**, which motion prevailed by the following vote:

Ayes 86
 Noes 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigbsy, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 598** -- Motor Vehicles, Titling and Registration -- Provides special license plates for alumni of University of Georgia. Amends TCA Title 55, Chapter 4. by *Burchett (SB849 by *Haun, *Atchley).

Rep. Burchett moved that **House Bill No. 598** be re-referred to the Committee on Calendar and Rules, which motion prevailed.

MOTION TO RECONSIDER

Rep. Pinion moved to lift from the table the motion to reconsider Senate Bill No. 1719, which motion prevailed.

Senate Bill No. 1719 -- Board of Regents -- Adds faculty member to board of regents for three year term; rotates appointments among board of regents institutions. Amends TCA Title 49, Chapter 8, Part 2. by *Cohen, *Dixon, *Crowe (*HB363 by *Pinion, *Herron).

Rep. Pinion moved to reconsider action in passing Senate Bill No. 1719, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 3. On motion, Amendment No. 3 was withdrawn.

Rep. Pinion moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Pinion moved the adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 1719 by deleting the amendatory language in Section 2 in its entirety and substituting the following new amendatory language:

One (1) member shall be a current faculty member at an institution or technology center of the state board of regents. The faculty member shall be appointed for a one (1) year term. The governor shall appoint the faculty member from a list of three (3) nominees who shall be: (1) the president of

the faculty senate, or equivalent body, at a four-year institution; (2) the president of the faculty senate, or equivalent body, at a two-year institution; and (3) a representative of the faculty, selected by the faculty, at a technology center. The first nominee from a four-year institution shall be from Austin Peay State University, followed by East Tennessee State University, the University of Memphis, Middle Tennessee State University, Tennessee State University, and Tennessee Technological University. When a nominee has been submitted from each four-year institution, the cycle shall be repeated. The first nominee from a two-year institution shall be from Chattanooga State Technical Community College, followed by Cleveland State Community College, Columbia State Community College, Dyersburg State Community College, Jackson State Community College, Motlow State Community College, Nashville State Technical Institute, Northeast State Technical Community College, Pellissippi State Technical Community College, Roane State Community College, Shelby State Community College, State Technical Institute at Memphis, Volunteer State Community College, and Walters State Community College. When a nominee has been submitted from each two-year institution, the alphabetical cycle shall be repeated. The first nominee from a technology center shall be from the state technology center located at Athens followed by the technology centers at Chattanooga, Covington, Crossville, Crump, Dickson, Elizabethton, Harriman, Hartsville, Hohenwald, Jacksboro, Jackson, Knoxville, Lexington, Livingston, McKenzie, McMinnville, Memphis, Morristown, Murfreesboro, Nashville, Newbern, Oneida, Paris, Pulaski, Ripley, Shelbyville, and Whiteville. When a nominee has been submitted from each technology center, the alphabetical cycle set out above shall be repeated. The nominees from the applicable institutions each year shall be forwarded to the chancellor of the state board of regents for submission to the governor no later than the month of April.

On motion, Amendment No. 5 was adopted.

Rep. Pinion moved that **Senate Bill No. 1719**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisher, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Walley, West,

Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Gunnels moved to lift from the table the motion to reconsider Senate Bill No. 1780, which motion prevailed.

Senate Bill No. 1780 -- Unemployment Compensation -- Establishes procedures for charging employer's experience rating account in certain circumstances. Amends TCA 50-7-205(a), 207(c)(6), 403(d)(1). by *Elsea, *Rice, *Atchley, *McNally, *Miller J (*HB1792 by *Bittle, *Bird, *Sharp, *Beavers, *Patton, *Wood, *Duer, *Coffey, *Williams (Union), *Newton, *Kent, *Cole (Carter), *Kerr, *Cantrell, *Roach, *Haley, *Clabough, *Ford S).

Rep. Gunnels moved to reconsider action in passing Senate Bill No. 1780, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Gunnels moved that **Senate Bill No. 1780** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 27, 1995:

House Bill No. 886: by Rep. Davis.

House Bill No. 483: by Rep. Gunnels.

House Bill No. 651: by Rep. Callicott.

RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 183 out of order, which motion prevailed.

Senate Joint Resolution No. 183 -- Naming and Designating -- "National Teachers' Day," May 9, 1995. by *Womack, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wilder, *Wright.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Davidson, the resolution was concurred in.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 67: Rep(s). Fowlkes as prime sponsor(s).

House Bill No. 385: Rep(s). Herron as prime sponsor(s).

House Bill No. 735: Rep(s). Williams (Union) as prime sponsor(s).

House Bill No. 1728: Rep(s). Pinion, Cross, Ridgeway and Buck as prime sponsor(s).

House Bill No. 1744: Rep(s). Brooks as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). McMillan was/were removed as sponsor(s) of **House Bill No. 1842**.

MESSAGE FROM THE GOVERNOR

April 26, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 5, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 39, 321, 656, 951, 961, 1125 and 1811; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. MCCULLOUGH, JR., Chief Clerk.

SIGNED
April 26, 1995

The Speaker signed the following: Senate Bill(s) No(s). 9, 51, 93, 184, 240, 490, 494, 500, 554, 600, 759, 760, 871, 968, 1093, 1250, 1304, 1344, 1499 and 1525; also, Senate Joint Resolution(s) No(s). 11, 12, 164, 165, 166, 167, 168 and 169.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 89; the Senate refused to recede from its action in adopting Amendments 1, 3, 6, 10, 11, 14, 12, 20, 22 and 23.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1439; substituted for Senate Bill on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 886; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 651; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 231; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 231 -- Juvenile Offenders -- Enacts "Child Curfew Act of 1995" for Shelby County. by *Dixon.**

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 483; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 250; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1 and 1749; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
April 26, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1303.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1303 and 1701; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 173; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
April 26, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 681, 762, 851, 1001, 1190, 1292, 1335, 1510, 1528, 1615, 1782, 1860, 1872, 1879 and 1880; also, House Joint Resolution(s) No(s). 253 and 254.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 235; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 26, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 7, 157, 378, 745, 1047, 1114, 1122, 1268, 1298, 1436, 1536, 1599, 1735 and 1825; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 7** -- Civil Procedure -- Enacts "Tennessee Anti-SLAPP Act of 1995." by *Cohen.

***Senate Bill No. 157** -- Judicial Districts -- Authorizes qualified voters of 20th judicial district to elect additional circuit court judge in August 1998. Amends TCA Title 16, Chapter 2, Part 5. Repeals Chapter 124, Private Acts of 1963, as amended. by *Haynes, *Harper .

***Senate Bill No. 378** -- Insurance, Health, Accident -- Permits managed care organizations in commercial plans to obtain stop-loss coverage. Amends TCA 56-2-201. by *Kyle.

***Senate Bill No. 745** -- Private Investigators -- Exempts undercover investigators engaged in internal security for private investigation committees from being licensed themselves as private investigators. Amends TCA Title 62, Chapter 26. by *Kyle.

Senate Bill No. 1047 -- Civil Procedure -- Expands contractual release on liability to include covenants not to enforce judgment in tort cases. Amends TCA 2911-105. by *Womack.

***Senate Bill No. 1114** -- Regional Authorities -- Enacts "Municipal Port Authority Act," in Memphis. by *Ford J.

***Senate Bill No. 1122** -- Medical Occupations -- Provides for licensure of home medical equipment providers. Amends TCA Title 68, Chapter 11, Part 1 and Title 68, Chapter 11, Part 2. by *Cooper.

Senate Bill No. 1268 -- Motor Vehicles -- Requires reporting of conviction of traffic offenses other than parking by school bus drivers, such conviction to be grounds for dismissal Amends TCA Title 55. by *Ford J.

***Senate Bill No. 1298** -- Agriculture, Dept. of -- Defines "plant pests" as species injurious to agricultural, horticultural, silvicultural or other interests of the state Amends TCA Title 43, Chapter 6. by *Burks.

***Senate Bill No. 1436** -- Medical Occupations -- Enacts "Volunteer Health Care Services Act." Amends TCA Title 63, Chapter 6. by *Gilbert.

***Senate Bill No. 1536** -- Insurance, Health, Accident -- Authorizes health insurance insurer and insured to contractually waive insured's statutory right to purchase health insurance coverage for unborn child if and only if insured or insured's spouse is pregnant with unborn child at time insured initially purchases coverage. Amends TCA Title 56, Chapter 7, Part 23. by *Henry.

Senate Bill No. 1599 -- Motor Vehicles, Titling and Registration -- Deletes obsolete language requiring commissioner to reissue new registration plates commencing January 1, 1988, and each

fifth anniversary date thereafter. Amends TCA Title 55, Chapter 4. by *Miller J.

***Senate Bill No. 1735** -- Insurance Companies, Agents, Brokers - Amends Premium Finance Company Act of 1980, to require that refund of unearned premium upon cancellation of financed insurance contract shall be on pro rata basis. Amends TCA Title 56, Chapter 37. by *Kyle.

***Senate Bill No. 1825** -- Regional Authorities -- Expands authority of Carroll County Watershed Authority from Beaver Creek Watershed to all of Carroll County. Amends TCA Title 64, Chapter 1, Part 8. by *Carter.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 89**

Rep Kisber moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 1, 3, 6, 10, 14, 11, 12, 20, 22 and 23.

Pursuant to **Rule No. 73**, Representative Kisber moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 89, which motion prevailed.

The Speaker appointed Representatives Kisber, Purcell, Bittle, Cole (Carter), Miller, McMillan and Kent as the House members of the Conference Committee on House Bill No. 89.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 1504**

Pursuant to **Rule No. 73**, Representative Callicott moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 1504, which motion prevailed.

The Speaker appointed Representatives Callicott, Davidson and Fowlkes as the House members of the Conference Committee on Senate Bill No. 1504.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps,

WEDNESDAY, APRIL 26, 1995 -- THIRTY-EIGHTH LEGISLATIVE DAY

Stulce, Tindell, Towns, Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 27, 1995.